

**Notice of Allowability**

Application No.

09/837,076

Examiner

C. Michelle Tarae

Applicant(s)

HADDEN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment submitted on August 31, 2006.
2. ☒ The allowed claim(s) is/are 4,6,7 and 31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **ALLOWANCE**

1. The following is an Allowance in response to the After Final Amendment submitted on August 31, 2006. Claims 1-3, 5, 10-30 and 32-33 have been previously canceled. Claims 8-9 are currently canceled. Claim 31 is currently amended. Claims 4, 6-7 and 31 are now pending in this application.

### ***Reasons for Allowance***

2. Claims 4, 6-7 and 31 are allowed.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, *inter alia*, a method comprising steps performed by a computer including prior to a training event bearing on the actual skill level of an individual, measuring the individual's skill to determine a skill level and measuring the individual's performance as a first actual performance metric; after the occurrence of the training event, assessing the individual's performance as a second actual performance metric; analyzing a relationship between the first and second actual performance metrics and the skill of the individual before and after the event occurrence on a computer; and determining whether the event occurrence increased the performance of the individual based at least partially on the relationship between the first and second actual performances metrics and the skill of the individual; measuring a first actual performance metric for the performance of a second individual before the training event; measuring a second actual performance metric for the performance of the second individual after the training event, *wherein the second*

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*individual is not subjected to the training event; comparing the first and second actual performance metrics of the second individual with the first and second actual performance metrics of the individual to determine effectiveness of the training event on the actual skill level; identifying an increase between the first and second actual performance metrics of the individual and the second individual; and indicating an influence other than the training event causing the increase between the first and second actual performance metrics of the individual and the second individual.*

In addition to independent claim 31 disclosing that the relationship between the first and second actual performance metrics and the skill of the individual before and after the training event are analyzed on a computer, the specification further discloses other steps of the method being performed on a computer such as associating an individual with a role where the role has separately measurable performance and skill (see pages 14 and 17-18 in specification), and assessing individuals' performance metrics after a training event and determining influences other than the training event that may have affected performance metrics (see pages 25-26 in specification).

The prior art most closely resembling Applicant's claimed invention are as follows: Hollingsworth (U.S. 6,157,808) and Nashner (U.S. 6,190,287).

Nashner teaches a system for monitoring the effectiveness of training programs by comparing actual task performance measurements during a training program with

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previous task performance of an individual. Actual task performance is measured against benchmark data such as a defined reference population. Previous task performance includes determining the skill level of the individual. Effectiveness of the training is determined by comparing actual task performance with previous task performance including assessing the individual's achievement of the training's performance goals. However, Nashner does not disclose *comparing first and second actual performance metrics of two individuals to determine effectiveness of a training event on their actual skill level, where one of the individuals is not subjected to the training event; identifying an increase between the first and second actual performance metrics of the individual and the second individual; and indicating an influence other than the training event causing the increase between the first and second actual performance metrics of the individual and the second individual.*

Hollingsworth teaches an employee certification and training system that trains employees in order to improve their job performance. Upon successful completion of training, employees are certified by the system, where the certification identifies employees as being proficient in certain skills and where the certification is presumed to improve job performance. However, Hollingsworth does not disclose that the training event *may not* increase a skill level of an individual and further, does not disclose *comparing first and second actual performance metrics of two individuals to determine effectiveness of a training event on their actual skill level, where one of the individuals is not subjected to the training event; identifying an increase between the first and second*

*actual performance metrics of the individual and the second individual; and indicating an influence other than the training event causing the increase between the first and second actual performance metrics of the individual and the second individual.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nashner (U.S. 5,980,429) discusses a system and method for monitoring training programs;
- McIlwaine et al. (U.S. 6,459,787) discusses a system and method for delivery of individualized training;
- Osborne et al. (U.S. 6,589,055) discusses interactive employee training;
- Kudo (JP 02072483 A) discusses maintaining personnel skill information;
- L, Marcia. "Use your head when identifying skills gaps," *Workforce*, Mar 2000 [retrieved from Dialog] discusses identifying skills gaps of employees to determine training needs;

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- Muhlemeyer, Peter et al. "The competitive factor: training and development as a strategic management task," *Journal of Workplace Learning*, 1997 [retrieved from Dialog] discusses training as a strategic management task;
- Campbell, Clifton P. "Determining the cost-effectiveness of training," *Training & Management Development Methods*, 1997 [retrieved from Dialog] discusses four levels of measuring training effectiveness; and
- Bedinham, Keith. "Proving the effectiveness of training," *Human Resource Management International Digest*, Jan/Feb 1998 [retrieved from Dialog] discusses measuring training effectiveness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "C. Michelle Tarae". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

C. Michelle Tarae  
Patent Examiner  
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November 8, 2006